

Application Serial No.: 09/706,097
Attorney Docket No.: 067433-0314788
Customer Number: 00909
Reply and Amendment

REMARKS

Claims 1-7 and 10-12 are pending in this application. Claims 1 and 12 have been amended. Claims 69-80 have been added. In view of the following comments, reconsideration and allowance of all the rejected claims are respectfully requested.

CLAIM OBJECTIONS

Claim 12 stands objected to for being "somewhat unclear," as set forth in the Office Action. In response, claim 12 has been amended as set forth above to clarify the claim language consistent with the Examiner's comments. Accordingly, entrance of the amendment and withdrawal of the objection are respectfully requested.

REJECTION UNDER 35 U.S.C. §103

Claims 1 and 4-7 stand rejected under 35 U.S.C. § 103 as being unpatentable over the article Perfect Launches Advanced B2B Sourcing Solution – PerfectMarket ("Perfect Launches") in view of Tools for Making Accurate Risk Decision with Chemical Process Safety Applications ("Tools") and U.S. Patent Application No. 6,751,597 to Brodsky ("Brodsky"). Claims 2, 3, and 12 stand rejected under 35 U.S.C. § 103 as being unpatentable over Perfect Launches, Tools, Brodsky, and Examiner's Official Notice. Claims 10 and 11 stand rejected under 35 U.S.C. § 103 as being unpatentable over Perfect Launches, Tools, Brodsky, and U.S. Patent No. 6,714,937 to Eynon. Applicants respectfully traverse these rejections on the following basis.

Claim 1 has been amended to recite that the demand component is based on items, including:

Application Serial No.: 09/706,097
Attorney Docket No.: 067433-0314788
Customer Number: 00909
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i) a set of product or service characteristics and qualities;

ii) a set of product or service demand values associated with a buyer and resulting from the set of product or service characteristics and qualities, and a quantifiable metric associated with each product or service demand value; and

iii) a set of buyer demand values associated with the buyer and predetermined by the buyer independent of the product or service characteristics and qualities, and a quantifiable metric associated with each buyer demand value.

Claim 1 has further been amended to recite that the supply component is based on items, including:

i) a set of product or service supply values associated with a seller and resulting from the set of product or service characteristics and qualities, and a quantifiable metric associated with each product or service supply value; and

ii) a set of seller supply values associated with the seller and predetermined by the seller independent of the product or service characteristics and qualities, and a quantifiable metric associated with each seller supply value.

Thus, claim 1 is now further distinguished from the prior art of record. For example, Perfect Launches discloses the consideration of "non-price attributes such as quality, customization and delivery time." However, whereas each of these attributes may be considered "non-price" attributes, these "non-price" attributes are nonetheless attributes that are directly related to the actual product or service being provided to the buyer, that is, they relate to the quality of the product, the customization of the product, or the delivery time of the product. Neither Perfect Launches nor any of the other references discloses or suggests considering

Application Serial No.: 09/706,097
Attorney Docket No.: 067433-0314788
Customer Number: 00909
Reply and Amendment

predetermined buyer demand values that are independent of the product or services being offered. The prior art of record does not take into consideration buyer values that are predetermined by the buyer and that generally do not change, but play a significant part in a buyer's decision-making process. (See Applicants' Specification page 6, lines 11 to 18, and page 10, lines 8-15).

Additionally, neither Perfect Launches nor any of the other references discloses or suggests considering predetermined seller supply values that are independent of the product or services being offered. The Office Action relies on Brodsky for providing a supply component to Perfect Launches since, according to the Office Action, Brodsky discloses a matchmaking optimization system for recommending buyers to manufacturers and suppliers to buyers. However, the recommendations of Brodsky are based on such product-specific items as maximum profit or minimum price. (Brodsky, col. 5, line 28, and Abstract.) Neither Brodsky nor any of the other prior art references discloses or suggests considering seller values that are predetermined by the seller and formed by the seller independent of the product or services. (See Applicants' Specification page 6, lines 19 to page 7, line 1).

Accordingly, for the reasons stated above, entrance of the amendments and withdrawal of the rejections is respectfully requested. Since claims 2-7, 10-12, and 69 depend from and further limit claim 1, all pending claims are deemed allowable over the prior art of record in light of the proposed amendments and the remarks above.

New claims 70-80 are also presented and are allowable for substantially the same reasons set forth above. The claims are additionally allowable since neither Perfect nor any other the other references disclose or suggest considering the use of value prioritized feedback loops where

Application Serial No.: 09/706,097
Attorney Docket No.: 067433-0314788
Customer Number: 00909
Reply and Amendment

Information created by buyers or sellers using the system becomes accessible to other buyers and sellers. The Office Action relies on Perfect Launches for disclosing that "Perfect Launches" collects user information while assisting users in a commercial decision making process and that it is well known that user data is gathered while users are shopping, web-surfing, etc. and that this information is then used by sellers. Among other things, what is not disclosed or suggested in Perfect Launches or in the other references is collecting information created by the user about their decision process and then sorting it by the user's specific values associated with that product or service decision and the user's general decision values independent of a product or service. Using values as the primary sorting criteria enables other users to quickly sort through the overwhelming amount of available information to find information specific to their decision situation, created by other users with similar values, and because it is a basically a feedback loop and is not a static rule, as it is updated dynamically.

* * *

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

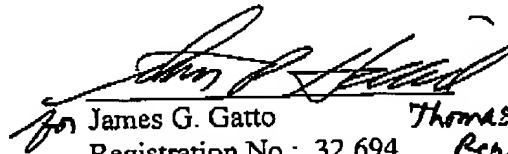
Application Serial No.: 09/706,097
Attorney Docket No.: 067433-0314788
Customer Number: 00909
Reply and Amendment

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned attorney at the number provided.

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Respectfully submitted,

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